

EXHIBIT

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1

2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 RINALDO RIZZO,

5 Plaintiff,

6 -against- 13 Civ. 8664

7 DF LAND LLC, GLENN DUBIN, individually, EVA
DUBIN, individually and BRENDA AMES,
individually,

8 Defendants.

9 -----x

10 DEPOSITION of the Defendant, BRENDA GAIL AMES,
11 taken pursuant to Notice, held at the offices of
12 CCI, 2200 Atlantic Street, Stamford, Connecticut, on
13 July 14, 2015, at 10:04 a.m. before a Notary Public
14 within and for the State of New York.

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1 B. Ames

2 A No.

3 Q When was that determined?

4 A In conversations with myself and

5 Mr. Rizzo.

6 Q Was there a negotiation?

7 A Mr. Rizzo wanted a much higher number

8 than \$100,000. The job was being offered at

9 \$100,000 so there really was no negotiation,

10 but Mr. Rizzo kept trying to change the

11 number.

12 Q Did you tell Mr. Rizzo what his duties
13 would be as an estate manager?

14 A I described the functions.

15 Q What were the functions?

16 A To oversee the household operations of

17 the home in North Salem, to interact with

18 vendors and interact with workmen, oversee

19 employees that are in the home and assist t

20 family when they are there, provide any kind

21 of service that a family would need or

22 identify the parties that would be needed to

23 provide those services.

24 Communicate with the office,

25 communicate with the financial people,

1 B. Ames

2 oversee the budget. Provide weekly

3 communications to Mr. Dubin as to what was

4 going on at the property and to be an

5 overseer of the operations of the actual home

6 and any financial implications of owning that

7 home.

8 Q Was Mr. Rizzo being hired to manage
9 other employees at the property?

10 A The housekeeper in the home.

11 Q Only the housekeeper?

12 A At that time there was only one
13 full-time employee at the home.

14 Q Now, at the time that Mr. Rizzo was
15 hired, was he told there would be duties
16 outside of the North Salem properties?

17 A I don't understand.

18 Q When he was hired and you gave this
19 description of what an estate manager would
20 do for DF Land, did you indicate that there
21 would be any duties that he would be required
22 to perform outside of North Salem?

23 A It was discussed at the time that he
24 would travel with the family to their other
25 homes and provide similar services, and it

1 B. Ames

2 was also described that he would be driving.

3 Flexibility was stressed in terms of the list
4 was not considered to be complete.

5 Q When Mr. Rizzo was hired, was he
6 considered to be an exempt employee from
7 overtime?

8 A Yes.

9 Q What exemption -- what was he
10 considered to be under?

11 MR. SALINS: Objection to the
12 form.

13 A Managerial.

14 Q Mr. Rizzo was required to supervise
15 basically the entire property, right?

16 A No.

17 Q What portions of the property was he
18 not required to supervise?

19 A There was a grounds manager who
20 managed the grounds and there was a barn
21 manager that managed the barn and horses, and
22 Mr. Rizzo managed everything else.

23 Q Did the grounds manager report to
24 Mr. Rizzo?

25 A No.

1 B. Ames

2 Q Did Mr. Rizzo supervise the grounds
3 manager?

4 A No.

5 Q What about the barn manager?

6 A I don't understand the question.

7 Q Did Mr. Rizzo supervise the barn
8 manager?

9 A No.

10 Q Did the barn manager report to
11 Mr. Rizzo?

12 A No.

13 Q Aside from the housekeeper, did
14 anybody else report directly to Mr. Rizzo?

15 A All the vendors that were in the home,
16 all the part-time people, all the contract
17 workers, all the tutors, all the nannies, a
18 multitude of people reported to Mr. Rizzo
19 while he managed the house.

20 Q How many part-time employees were
21 there?

22 A I don't recall.

23 Q Can you give us an estimate?

24 A No.

25 Q Do you know how many nannies there

1 B. Ames

2 were?

3 A I don't.

4 Q Were the nannies living with the
5 Dubins?

6 A I don't know.

7 Q Was Mr. Rizzo given the ability to
8 hire any employees without gaining approval
9 from either yourself or the Dubins?

10 A No.

11 Q Was Mr. Rizzo able to terminate any
12 employees without the approval of yourself
13 and the Dubins?

14 A No.

15 Q Was Mr. Rizzo able to enter into
16 contracts on behalf of the Dubins without
17 their approval?

18 A Could have been.

19 Q Do you recall any specific instances
20 when Mr. Rizzo was able to enter into a
21 contract on behalf of the Dubins without
22 their approval?

23 A If it was in the budget, he met with
24 the vendors and he was -- and selected them,
25 and he could select that vendor based upon

1 B. Ames

2 the budget fitting -- the, quote, fitting
3 within the budget.

4 Q Prior to selecting a vendor did he
5 discuss it with you?

6 A I --

11 Q So did he have authority to select
12 vendors without gaining approval, or is that
13 something he did outside of his authority?

14 A I --

15 MR. SALINS: Objection to the
16 form.

21 If it was not in the budget, he
22 could not select -- he could not enter
23 into it. It was a financial policy
24 that he followed as a manager and told
25 him what he could and could not do

1 B. Ames

2 form.

3 A I don't understand the term "look out
4 for."

5 Q Could she review his work, go to the
6 place where he was supposed to have done the
7 tasks that he was assigned and make sure he
8 did it?

9 A She did not do that.

10 Q Did anyone aside from yourself do
11 that?

12 A No.

13 Q Okay.

14 A The Dubins, obviously, because they
15 were there.

16 Q You said that part of Mr. Rizzo's work
17 would be to travel with the family to other
18 locations, correct?

19 A Traveling to other locations, and he
20 may or may not be with the family.

21 Q Then when they reached those
22 locations, it was his job to do what

23 A T_Q =

24 MR. SALINS: Objection to the
25 form.

1 B. Ames

2 THE WITNESS: There was
3 flexibility when he arrived at new
4 locations because they were not set
5 jobs. It was not like he was there
6 every day or the family was there
7 every day. So whatever was called
8 upon or was necessary, he worked with
9 the scheduling people and he worked to
0 communicate issues.

He was basically in Florida the
eyes and ears of what needed to get
done, and he communicated to the
assistants or the financial people or
the security people or the contractor
or the vendor. He oversaw all
communications.

18 Q That was for the 1090 North Lake Way
19 location?

20 A Yes.

21 MR. SALINS: Objection to the
22 form.

23 Q Did he provide similar services for
24 the Ranch Properties?

25 A No. There was a manager in the Ranch

1 B. Ames

2 A Every time that he did it I tried to
3 work with him to improve his ability to
4 communicate well with others and to work with
5 his teammates.

6 0 How many times did he do that?

7 A I don't recall how many times.

8 Q Can you give me an estimation?

9 A Many.

10 0 More than ten?

11 A More than ten.

12 Q More than twenty?

13 A I don't know.

14 Q More than fifty?

15 A I don't know.

16 Q More than a hundred?

17 A I don't know.

18 Q Was Mr. Rizzo required to manage Don
19 Carr at any time?

20 A No.

21 MR. SALINS: Objection to the
22 form.

23 Q Was Mr. Carr ever required to report
24 to Mr. Rizzo?

25 A No.

1 B. Ames

2 there this is a gate and maintenance contract
3 with a bunch of bullet points. There is no
4 second page to this document.

5 A Okay.

6 Q Was it Mr. Rizzo's job to negotiate
7 contracts with vendors?

8 A It was his job to solicit three bids
9 for every expense of more than a thousand
10 dollars.

11 Q Then who decided which bid to take?

12 A He made his selection and
13 recommendation to me, and if I looked at the
14 contract and it was okay, then I would sign
15 it and go forward.

16 Q He would make a recommendation based
17 on the three bids, and you would either
18 approve or deny his recommendation?

19 A Yes.

20 Q Next page, Rizzo 419, do you recall
21 receiving this email?

22 A I will have to read it.

23 Q Okay.

24 MR. SALINS: Again, this is

25 incomplete. There is a second page of